

Limited English Proficiency

Analysis and Strategies



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INTRODUCTION

This document concerning *Limited English Proficiency (LEP)* has been prepared to address the Sioux Falls MPO'S (MPO) responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency language skills. The assessment and strategies have been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all MPO departments receiving federal grant funds.

Strategies for Providing Meaningful Access

The MPO has developed these strategies to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided. As defined Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write, or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to identify the demand for language assistance, the MPO used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by the MPO.
2. The frequency with which LEP persons come in contact with MPO services.
3. The nature and importance of services provided by the MPO to the LEP population.
4. The interpretation services available to the MPO and overall cost to provide LEP assistance.

A summary of the results of the four-factor analysis is in the following section.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

The number or proportion of LEP persons in the service area who may be served or are likely to require MPO services.

SECOG staff reviewed 2016-2020 U.S. Census Bureau data (censusreporter.org) for the MPO's service area¹ and determined that 20,121 individuals ages five years and over in MPO's service area (8.6% of the population ages five years and over) speak a language other than English. Of those, 7,175 individuals have limited English proficiency; that is, they speak English less than "very well" or "not at all." This is 3.1% of the population ages five years and over in the service area. In the MPO service area, of those persons with limited English proficiency, 36% speak Spanish, 24% speak Indo-European languages, 9% speak Asian and Pacific Island languages, and 31% speak other languages.

The frequency with which LEP persons come in contact with MPO services.

The MPO staff reviewed the frequency with which their office staff and planning department staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, the MPO has had no requests for interpreters and no requests for translated program documents. The MPO's other staff have had very little contact with LEP persons.

The nature and importance of services provided by the MPO to the LEP population.

There is no large geographic concentration of any type of LEP individuals in the service area for the MPO. The overwhelming majority of the population ages five years and over, 96.9%, speak only English or English "very well". As a result, there are few social, service, or professional and leadership organizations within the MPO service area that focus on outreach to LEP individuals. The MPO staff are most likely to encounter LEP individuals through office visits, phone conversations, notifications from planning department staff of impacts on service area services, and attendance at meetings.

The resources available to the MPO, and overall costs to provide LEP assistance.

The MPO reviewed its available resources that could be used for providing LEP assistance. It was determined that at this time telephonic interpreters and translators will adequately serve the needs of our service area. The MPO does not feel that document translation is imperative at this time but will continue to review those needs and adjust when necessary.

¹ The Sioux Falls MPO's service area consists of the Cities of Brandon, Crooks, Harrisburg, Hartford, Sioux Falls, and Tea; and portions of Lincoln and Minnehaha Counties. The ACS data used for the purposes of this analysis includes data outside the MPO's service area boundary as the MPO's service area boundary does not match up to the ACS census tract boundaries.

LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to MPO services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

How the MPO staff may identify an LEP person who needs language assistance:

- The MPO can occasionally post ads in local media outlets or distribute flyers to inform LEP individuals of translation and interpretation services in languages they understand.
- MPO staff can be provided with language identification cards to assist in identifying the language interpretation needed if the occasion arises.
- When the MPO sponsors an informational meeting or event, a staff person may greet participants as they arrive. By informally engaging participants in conversation, it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

Language Assistance Measures

Although there is a very low percentage of LEP individuals in the MPO service area, that is, persons who speak English less than "very well" or "not at all", it will strive to offer the following measures:

1. The MPO staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
 - I-Speak Cards should be available to identify language spoken
 - Language interpretation will be accessed for all non-English speaking individuals through a telephonic interpretation service

STAFF TRAINING

The following training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of interpreter service provider's language identification cards.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

All contractors or subcontractors performing work for the MPO will be required to follow the Title VI/LEP guidelines.

TRANSLATION OF DOCUMENTS

The MPO weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, at this time it is an unnecessary burden to have any documents translated.

Due to the very small local LEP population, the MPO does not have a formal outreach procedure in place, as of 2010. Translation resources have been identified and are limited in this region. However, when and if the need arises for LEP outreach, the MPO will consider the following options:

- When staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.

MONITORING

The MPO will reassess its strategies for providing meaningful access for LEP individuals. At a minimum, the plan will be reviewed and updated when new U.S. Census data is available, or when it is clear that higher concentrations of LEP individuals are present in the MPO service area. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the MPO's financial resources are sufficient to fund language assistance resources needed.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.